

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

12 P 218

**FAIRBANKS CAPITAL CORP., AS
SERVICER FOR BANK ONE, N.A. F/K/A
THE FIRST NATIONAL BANK OF
CHICAGO, AS TRUSTEE UNDER THE
POOLING AND SERVICING
AGREEMENT DATED AS OF
SEPTEMBER 1, 1998, SERIES 1998-B,**

Plaintiff,

v.

**JAMES MORIN, NANCY MORIN AND
THERESA MORIN, UNITED STATES OF
AMERICA AND VERIZON YELLOW
PAGES COMPANY F/K/A BELL
ATLANTIC YELLOW PAGES CO. F/K/A
NYNEX INFOR,**

Defendant.

Civil Action No. 04-10146-MLW

**Formerly
No. 294558
Suffolk County Land Court**

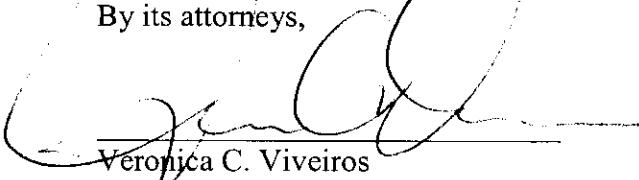
MOTION TO REMAND CASE TO LAND COURT

Now comes the Plaintiff, Fairbanks Capital Corporation, as Servicer for Bank One, N.A. f/k/a The First National Bank of Chicago, as Trustee under the Pooling and Servicing Agreement dated as of September 1, 1998, Series, 1998-B, and hereby moves that given the Disclaimer of Interest filed by the United States of America and its Motion to Dismiss the United States as a party, there is no longer proper jurisdiction in the United States District Court.

Plaintiff respectfully requests that the matter be remanded to the Land Court in Suffolk County where it was originally filed. No conference is necessary given the United States' Motion to Dismiss itself as a party to this case.

Signed under the Penalties of Perjury, this 11 day of March 2004.

Respectfully submitted,
**FAIRBANKS CAPITAL CORP., AS
SERVICER FOR BANK ONE, N.A.
F/K/A THE FIRST NATIONAL BANK
OF CHICAGO, AS TRUSTEE UNDER
THE POOLING AND SERVICING
AGREEMENT DATED AS OF
SEPTEMBER 1, 1998, SERIES 1998-B**
By its attorneys,



Veronica C. Viveiros
BBO #631233
David M. Rosen
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CERTIFICATE OF SERVICE

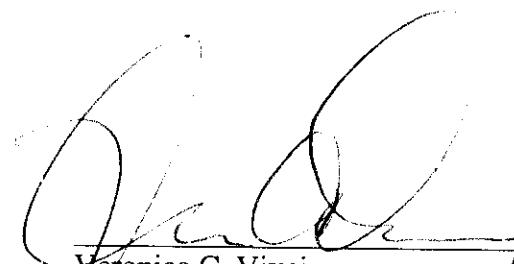
I hereby certify that on this day I have notice of the filing of the MOTION TO REMAND CASE TO THE LAND COURT by mailing a copy of the same, postage prepaid, first-class mail to:

James Morin, Nancy Morin
and Theresa Morin
256 Lynnfield Street
Peabody, MA 01960

Verizon Yellow Pages Co.
c/o CT Corporation Systems
101 Federal Street, Suite 300
Boston, MA 02110

Lydia D. Bottome
U.S. Department of Justice
P.O. Box 55

Ben Franklin Station
Washington, D.C. 20044



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3/11/04

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March 11, 2004

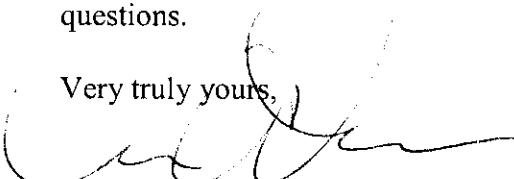
United States District Court
The District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

RE: Fairbanks Capital Corporation v. James Morin et al.
Civil Action No. 04-10146-MLW
Formerly Land Court No. 294558

Dear Sir or Madam:

Enclosed for filing please find the Motion to Remand Case to Land Court and the Certificate of Service in connection with the above-referenced case. Please feel free to contact me with any questions.

Very truly yours,


Veronica C. Viveiros
VCV:mmj
Enclosures